

MINUTES

ALCOHOL AND TOBACCO COMMISSION

APRIL 11, 2006

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Commissioner Sturtz and Commissioner Guthrie. Also in attendance was Executive Secretary Choe.

Lisa Goldner of Bose McKinney and Evans and Jeff McKean were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes submitted for the March 21, 2006 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES AGREED DISPOSITION (PAD) FORMS – Commissioner Guthrie moved to approve the PAD forms submitted for the April 11, 2006 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a

Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Three hundred sixty-nine (369) renewals approved, forty-seven (47) new and/or transfer permits approved, eleven (11) permits approved for catering, eight (8) permits approved for first year escrow, two (2) permits approved for second year escrow, six (6) permits approved for third year escrow and one (1) permit approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Guthrie moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL41-22213 SAVI, INC., D/B/A CONVENIENT FOOD MART – Chairman Heath stated this is a new type 116 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie – Mr. Chairman, I move that we overturn the action of the local board for the reason that their stated reason is again that they don't believe that convenience stores that sell gas should sell alcoholic beverages. There's nothing else in this record that I can find for turning down this permit. So, I move we overturn their action and approve the permit.

Commissioner Sturtz – I will second.

Chairman Heath – Motion carries.

RR37-22223 BOZLEY'S, INC. – Chairman Heath noted this is a new type 209 application with the local board voting three (3) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL84-06018 P & L, INC., D/B/A HERITAGE LIQUORS – Commissioner Guthrie moved that the Commission notify the permittee that his transfer of location request is inappropriate and will be refunded and he will have to rectify the escrow situation with this permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL54-22030 MAC'S CONVENIENCE STORES, LLC –

Commissioner Guthrie – This is a permit that we, I believe we turned down. It slipped through at a prior meeting, but it was turned down for the reason...as it turns out, this is another one in which the local board rejected this application because it's a convenience store that sells gasoline. That's the only reason they stated is that they don't believe the two things should be sold together. Therefore, I move that we remand this to the local board for further action and further statement of reasons based on the record, with instructions that if there are not clear reasons, we may be forced to overturn their decision.

Commissioner Sturtz – Second.

Chairman Heath – Motion carries.

INACTIVE FILES

Commissioner Guthrie moved to make thirty (30) permits inactive. Twenty-six (26) permits are not subject to auction and four (4) permits are subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

ECONOMIC DEVELOPMENT PERMIT FEE – Commissioner Guthrie noted there has been some discussion concerning the renewal fee for the economic development permit. The statute states the “initial” fee is \$6,000, but does not address the renewal fee.

Commissioner Guthrie moved to make the renewal fee \$1,000. Motion seconded by Commissioner Sturtz and it was unanimously approved.

UNDER ADVISEMENT

Nothing Under Advisement

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2006.

DAVE HEATH, CHAIRMAN

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER